



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

## Project: San Mateo Shoreline Parks

NUMBER: 24121S      DATE: 22 July 2002      RESPONSE REQUIRED BY: 22 August 2002  
PROJECT MANAGER: Phelicia Gomes      PHONE: (415) 977-8452      E-MAIL: pgomes@spd.usace.army.mil

**1. INTRODUCTION:** The City of San Mateo Department of Parks and Recreation (Mr. Dennis Frank, 330 West 20<sup>th</sup> Avenue, San Mateo, CA 650-522-7544) has applied for a Department of the Army permit authorizing the discharge of fill and work within navigable waters to enhance the Bayfront Nature Area, Seal Point Park and Tidelands Park, all part of San Mateo County's Shoreline Parks Masterplan. The proposed project site is located adjacent to the San Francisco Bay and San Mateo Creek and along J. Hart Clinton Drive, in San Mateo City and County California (see Figure 1). This application is being processed pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. 403).

**2. PROJECT PURPOSE:** The basic project purpose is recreation. The overall project purpose is the enhancement of San Mateo City's Shoreline Parks to develop and improve recreational facilities and environmental education provided by the park system in a way that would also improve water quality and incorporate native shoreline habitats.

**3. PROJECT DESCRIPTION:** The Shoreline Parks Master Plan was proposed by the City of San Mateo (City) to unify, improve and enhance the City's park system and properties lining the San Francisco Bay. The Master Plan addressed Bayfront Nature Area, Harborview Park, Ryder Park, San Mateo Creek, Seal Point Park, Seal Cove, Bay Marshes, and Tidelands Park (see Figure 2). Of those areas, only Bayfront Nature Area, Seal Point Park, Bay Marshes, and Tidelands Park require work within jurisdictional waters of the U.S. Proposed work within the Bay Marshes is being processed under a separate permit (26731S) because its project purpose is marsh restoration and

enhancement. Therefore this Public Notice only addresses Bayfront Nature Area, Seal Point Park and Tidelands Park. Proposed work within each of these parks is described below.

*Bayfront Nature Area:* As described in the masterplan, the City has proposed to renovate the Bayfront Nature Area to improve water quality, habitat value and user interest. This would be accomplished by widening the existing levee and through the realignment and expansion of the Bay Trail, the nature trail and the southern drainage channel. Detailed plans can be found in the attached design plans (see Figure 3).

Bayfront Nature Area is approximately one mile long, 300 feet wide and encompasses approximately 34 acres. It includes the area between the bay's shore and the residential development to the west. Vegetation in this area is dominated by non-native grassland and ornamental trees. Habitat features include two drainage channels (north and south channels) and a brackish/freshwater marsh. The southern drainage channel flows southeast to northwest from San Mateo Creek along the inland side of the Bayfront Nature Area to a marsh and pump station located about 3,400 feet northwest of the creek. Water in this channel is brackish to saline. The northern drainage channel is about 700 feet long and drains the Coyote Point Municipal Golf Course. Water in this channel is fresh to brackish. A two-acre brackish/ freshwater marsh is located at the end of the southern channel near the PG&E substation, of which one acre lies within the project boundary.

The park gets moderate wildlife use. Shorebirds, waterfowl and wading birds actively use the exposed mudflats. Lizards, mosquito fish,

stickleback, and several species of shorebirds, ducks, swallows, song birds and killdeer were observed using the drainage channels and marsh. The northern drainage channel and marsh provide suitable habitat for numerous wildlife species associated with riparian habitats and freshwater / brackish marsh. The marsh also provides potential high tide roosting habitat for shorebirds and nesting sites for waterfowl. The southern channel has relatively low wildlife habitat value because the channel intermittently dries and water salinity fluctuates throughout the year.

The proposed project at Bayfront Nature Area will impact 1.38 acres. Most impacts within jurisdictional waters are associated with the southern drainage channel. This channel will be modified to create exposed mudflats and to enhance water quality, thereby providing valuable foraging habitats for birds and expanding the total wetland area for mitigation requirements. This goal will be accomplished by altering bottom contours along the channel and by allowing increased tidal flows into the channel. The modifications will increase the salinity of the channel and create habitat conditions resembling those of a natural slough. Re-constructing and enhancing the drainage channel will impact 1.35 acres of low quality wetlands to create 4.09 acres of improved wetland and wildlife habitat.

Other changes that would impact 0.03 acre of Corps jurisdiction include:

- Renovating an existing culvert and installation of fish screens in San Mateo Creek. Approximately 7.5 cubic yards of fill will be discharged for this renovation.
- Removing three existing drainage channel culverts and expanding two culverts.
- Developing four flow-regulation weirs along the channel to create enhancement wetlands.
- Developing five off-stream water quality basins each covering an approximately 0.25 acre area, to manage existing urban stormwater runoff. These basins would be tied into but separated from the improved drainage channel. Storm water and runoff would pass through a forebay approximately four-feet deep and finally flow into a swale approximately two feet deep and ten feet wide that then joins the enhanced channel.

These swales would revegetate with *typha* or other emergents that would strain the runoff.

- Installing a new culvert and bypass channel to the Poplar Avenue Pump Station to direct higher salinity flows around an existing marsh.

In addition to this, two existing PG&E maintenance boardwalks will be reconstructed to approximately 150 feet in length to take visitors over the bay's tidal mudflats for fishing and nature observation. This portion of the proposed project will impact 100 square feet of tidal waters. An interpretive outdoor classroom will have a pile-supported pier that extends 1,200 square feet over the riprap and bay. Each of these structures will impact Section 10 jurisdiction only; there will be no discharge of fill as piles are generally not considered "fill."

Other proposed changes which will not impact jurisdictional waters and are not subject to either Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act include: realignment of the Bay Trail; creation of an additional trail along the edge of the wetland enhancement area; installment of family picnic areas, small turf areas, benches, par course, a fish cleaning station, interpretive facilities, and safety facilities; installation of willow massing parallel to adjacent private residences; revegetation with native vegetation; installation of access restriction gates on select PG&E tower locations; and installation of restrictive fencing.

*Seal Point Park:* Seal Point Park is approximately 60.1 acres and is located between the mouth of San Mateo Creek on the west and the mouth of Seal Slough on the east (see Figure 4). Most of the park was historically the City's landfill site but operations ceased and the landfill was capped in fall of 2001. To date, the park is composed of an unimproved 65-foot-high mound with a riprapped shoreline, an adjacent paved trail and a relatively level field between the landfill and J. Hart Clinton Drive. Tidal mudflats and a small tidal salt marsh border the shoreline of the park. Non-native grasses and forbs dominate vegetation in the park.

Although disturbed, the park is currently well used by wildlife. A large variety of small birds, mammals, and reptiles utilize the large patches of dense vegetation that are not adjacent to active

trails. Raptors have been spotted near the park. The tidal mudflats and riprap adjacent to Seal Point provide habitat for shorebirds and other birds. The City's master plan proposed to improve Seal Point Park while complying with the three constraints associated with developing the capped landfill: a prohibition on irrigation, a limited 18-inch topsoil layer over the landfill and probable future uneven settlement of the landfill which will prevent construction of permanent facilities on the landfill plateau. Planned uses are situated to avoid impacts to a proposed wetland mitigation area associated with the capping of the landfill. The design for Seal Point Park therefore emphasizes parking, Bay Trail access, windsurfing access and other intensive recreational uses at the base of the landfill area, near J. Hart Clinton Drive.

The proposed work at Seal Point Park will impact Corps Section 10 and 404 jurisdictions for the construction of the windsurfing access point and launch ramp at the northern side of the park and for an interpretive center associated with the outdoor classroom. The windsurfing ramp will be 1,200 approximately square feet and will discharge 35.5 cubic yards of concrete. The interpretive center will be a pile-supported pier, covering 2,850 square feet of Section 10 waters but will not discharge any fill into jurisdictional waters.

Other plans within Seal Point Park but outside of Corps jurisdiction include: access facilities such as paved and gravel entrances, parking, and fences; trails; facilities such as restrooms, showers, telephones, call boxes, burrowing owl habitat, picnic areas, earthen sculpture, and dog park; interpretative facilities and vista points; and landscape enhancements.

*Tidelands Park:* Tidelands Park is approximately 15 acres and is located away from the shoreline across J. Hart Clinton Drive (see Figure 5). It consists of low-lying land bounded by J. Hart Clinton Drive, Mariners Island Boulevard, Marina Lagoon and Anchor Road. Tidelands Park consists of a mosaic of upland areas and shallow depressions that pond water seasonally. Upland areas are vegetated with non-native grasses and iceplant. A large depression in the southeastern corner of the site is dominated by hydrophytic vegetation, including bulrush, rabbit's-foot grass, brass buttons and a few strands of pickleweed.

In its current form, the park gets moderate wildlife use. The site provides habitat for a variety of upland birds and potential foraging habitat for raptors. The seasonally ponded areas, particularly the deeper seasonal wetlands in the southeastern portion of the site, provide wintering habitat for ducks, shorebirds and other wading birds. The area could also provide high tide roosting sites for a variety of shorebirds that forage on nearby tidal mudflats.

Development of the park would focus on an outdoor interpretive center and a significant educational playground with a shoreline theme. Additional features include, parking, restrooms, picnic facilities, trails, interpretive stations and a wetland mitigation area. Surrounding the existing seasonal wetlands, the city has proposed to create a sculpted landscape that would resemble shoreline waves interspersed with sea creature sculptures (sea lions, whales, etc.). Facilities would include a sheltered classroom, storage facilities and display boards.

The proposed project involves filling 1.45 acres of low-quality, non-native-plant dominated seasonal wetlands in the northern half of the park for a themed environmental playground, outdoor interpretive center, related facilities in the park and a parking area. The applicant has proposed it in this area because there was no other area large enough to accommodate it. Additionally, because wetlands are scattered throughout the park, it would be impossible to develop the themed environmental playground, outdoor interpretive center and related facilities without impacting some wetlands. Therefore, the City chose this area because it had the least impacts to wetlands, it avoided the higher quality wetlands in other areas of the park and would allow for the enlargement of a large, high value contiguous wetland in the southeastern corner of the park as mitigation. As will be discussed further in Section 5 "Wetland Impacts and Proposed Mitigation," their proposed mitigation would create a larger contiguous wetland by making additional wetland acreage to connect the central drainage channel and the seasonal wetland in the southern corner of the park.

**4. CORPS OF ENGINEER'S JURISDICTION:**  
The Corps exerts Section 404 jurisdiction over a

total of 9.03 acres of tidal, marsh and seasonal fresh-water wetlands within the three parks covered within this permit application: 2.75 acres at Bayfront Nature Area (see Figures 6 through 9) , 3.7 acres at Seal Point Park (see Figure 10 through 14) and 2.58 acres at Tidelands Park (see Figure 15). Work in the tidal waters of the San Francisco Bay at Seal Point Park and Bayfront Nature area will require authorization under Section 10 of the Rivers and Harbors Act.

## **5. WETLAND IMPACTS AND PROPOSED MITIGATION:**

As currently designed, the proposed project would avoid 6.2 acres of existing wetlands but would permanently fill 2.83 acres are wetlands and 0.03 acre of tidal waters for a total of 2.86 acres of jurisdictional waters of the U.S.: 1.35 acres at Bayfront Nature Area for to fill the old southern channel after a new channel is reconstructed and 0.03 acre for associated culverts and facilities; 0.03 acre at Seal Point Park for the windsurfing ramp; and 1.45 acres at Tidelands Park for the environmentally themed playground and associated facilities. To compensate for the loss of 2.83 acre of wetlands, the applicant proposes to create 5.12 additional acres of native-plant dominated wetlands at Bayfront Nature Area and Tidelands Park.

At Baypoint Nature Area, the City has proposed to reconstruct, enlarge and enhance the southern drainage channel. In its current form, the channel is a straightened, degraded channel with low wildlife habitat value. To return the channel to something more natural, the City's mitigation plan would:

- Make the channel sinuous.
- Expand the channel to a broad shallow tidal marsh with mudflat areas.
- Install off stream water quality basins. These basins are intended to filter urban runoff entering the mitigation area. The basins are not included in the mitigation acreage.
- Modify the existing valve at San Mateo Creek to allow increased tidal inputs into the enhanced channel. This is intended to promote greater flushing, increased tidal fluctuations, and higher salinity so the channel will more closely represent a tidal slough.

- Install weirs to slow the passage of water through the system. The weirs will promote the formation of broad wetlands and mudflats in the enhanced drainage channel by backing water up, especially at high tides.
- Replace five sets of culverts with four ach culverts and one open channel.
- Place perimeter fencing and railings on pathways to inhibit entry of humans as well as pet and feral animals into the enhanced wetlands.

After implementation of the mitigation plan, the City aims to have a 4.09-acre marsh system. This equates to the replacement of the 1.35 acres impacted during the channel reconstruction and a gain of an additional 2.74 acres of wetlands.

At Tidelands Park, the City has proposed to enlarge the wetland in the southeast corner of the park and connect it to the central drainage channel. As stated in their mitigation plan, they intend to consolidate the lower quality wetlands dispersed throughout the park's area to enhance the overall habitat value of the higher quality wetland by increasing its size. In order to facilitate the wetland expansion areas around it will be lowered in elevation. During that process, 0.82 acre of adjacent wetlands will be dredged to a deeper level.

The hydrology of the southeastern wetland is sustained by runoff and potentially by former tidal channels, which may serve as paths for groundwater movement. After construction of the mitigation plan, the hydrology would be supplemented by increased runoff from the central channel. To ensure water quality will not be compromised, the runoff from the central channel will pass through a series of water quality swales or basins prior to entering the wetland. The plan also includes an island in the middle of the created marsh to serve as a nesting and roosting location for water birds. It is anticipated that during winter, the island will be completely surrounded by water. Willow stands will be planted on the perimeter of the marsh to screen the marsh from the surrounding park, street and office building areas. The willow stands will also provide escape cover.

The final portion of the mitigation plan at Tidelands Park involves the creation of a new non-tidal marsh

along the edge of Marina Lagoon. A “shelf” will be excavated both at and slightly below the normal lagoon water surface elevation. The proximity to the lagoon establishes a reliable control on groundwater elevations and adequate wetland hydrology. The end result will be a brackish marsh.

After completion of the mitigation plan at Tidelands Park, the City believes it will have 3.51 acres of wetlands within the park’s boundaries. Of those 3.51 acres, 0.82 acres will replace the wetlands lost for wetlands enlargement leaving 2.69 acres as mitigation for the 1.45 acres filled to create the themed environmental playground.

**6. STATE APPROVALS:** State water quality Section 401 certification or waiver and San Francisco Bay Conservation and Development Commission (BCDC) certification are prerequisites for the issuance of a Department of the Army permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to the Clean Water Act (33 U.S.C. Section 1431). The applicant is hereby notified that, unless the Corps is provided a valid request for water quality certification by the Regional Water Quality Control Board (RWQCB) and the BCDC within 30 days of the date of this Public Notice, the District Engineer may consider the permit application to be withdrawn. No permit will be issued until the applicant obtains the required certifications or waiver. A Section 401 waiver will be explicit, or it may be presumed if the RWQCB fails or refuses to act on a valid request for certification within 60 days after receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

Project concerns over compliance with the Coastal Zone Management Act should be directed to SF Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111, by the close of the comment period.

## **7. COMPLIANCE WITH VARIOUS FEDERAL LAWS**

### **National Environmental Policy Act of 1969**

**(NEPA):** At the conclusion of the public comment period, the Corps will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and Corps Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the Corps and other non-regulated activities the Corps determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army permit for the project.

### **Endangered Species Act of 1973 (ESA):**

Tidelands Park, Bayfront Nature Area and Seal Point Park were investigated for federally endangered species. Specifically, steelhead (*Oncorhynchus mykiss*), California red-legged frog (*Rana aurora draytonii*), California clapper rail (*Rallus longirostris obsoletus*) and salt marsh harvest mouse (*Reithrodontomys raviventris*) have the potential to occur within the area.

Steelhead are known to occur within San Mateo Creek. At certain times of year, steelhead would pass through the project area for Bayfront Nature Area. Work on the culvert that connects the southern drainage channel with San Mateo Creek would therefore be within occupied steelhead habitat. At this point, the City plans to renovate the culvert intake pipe to improve tidal flows into the southern channel. Fish screens will be installed across the intake portion of the pipe to prevent the movement of any fish into the channel where they might become stranded. The screen will be designed according the National Marine Fisheries Service’s criteria and will be submitted to that agency for review prior to installation. As such, the proposed plans would actually benefit steelhead by preventing the intake of steelhead currently occurring with the existing culvert. Because of the net improvement to steelhead habitat and Corps-

imposed limitations on work windows within the creek, the Corps has tentatively determined that the project is not likely to adversely affect steelhead.

Outside of steelhead, no other federally proposed or listed threatened or endangered species of plants or wildlife are known to inhabit the three parks. The brackish wetlands are not suitable habitat for California red-legged frog and there are no suitable pickleweed or spartina marshes to host the salt marsh harvest mouse or clapper rail, respectively. The mouse and clapper rail are known to occur with the Bay Marsh area, which is near the project site. However, the proposed work with Bayfront Nature Area, Tidelands Park and Seal Point Park will not impact those occupied areas. As such, the Corps has determined that the proposed project will not affect these species.

All consultations required under Section 7 of the Endangered Species Act will be pursued during the Corps application process.

#### **National Historic Preservation Act of 1966**

**(NHPA):** A Corps of Engineers' archaeologist will be requested to conduct a cultural resources assessment of the permit area, involving a review of published and unpublished data on file with city, State, and Federal agencies. If, based on assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

**8. EVALUATION OF ALTERNATIVES:** The applicant will be required to evaluate alternatives to this project. Evaluation of the proposed project's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404 (b) of the Clean Water Act, (33 U.S.C. 1344(b)). Several alternatives that meet the overall project purpose will be selected for evaluation. Evaluations of alternative that do not impact special aquatic sites (i.e. wetlands) will be required, as an evaluation pursuant to the Section 404(b)(1) guidelines indicates that the proposed project is not a water dependent activity.

**9. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors and their cumulative impacts must be considered, relevant to the proposal. These factors include conservation; economics; aesthetics; general environmental concerns; wetlands; cultural values; fish and wildlife values; flood hazards; floodplain values; land use; navigation; shore erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership and, in general, the needs and welfare of the people.

**10. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**11. SUBMITTING COMMENTS:** Interested parties may submit, in writing, any comments

concerning this activity. Comments should include the applicant's name, the number and the date of this Notice, and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to: Regulatory Branch, Attention: Phelicia Gomes. It is the Corps policy to forward any such comments, which include objections, to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment

period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant, whose address is indicated on the first page of this notice, or by contacting Phelicia Gomes of our office at telephone (415) 977 - 8452. Details on any changes of a minor nature which are made in the final permit action will be provided upon request.